UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,159	03/27/2002	Stephen McKearney	36-1558	9782

EXAMINER	
WU, YICUN	

7590   05/06/2004

Nixon &Vanderhye
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2002*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _5_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

III. DETAILED ACTION

1.   Claims 1-29 are presented for examination.

Claim Objections

2.   Claim 13 is objected to because of the following

informalities: the Examiner is not clear about the meaning of

the claim.   "...distributed database."

    Appropriate correction is required.

    Claims 1, 14 and 29 are objected to because of the

following informalities: the Examiner is not clear about the

meaning of the claim.   "...register."

    Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which the subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claims 1-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Clawson</u> (U.S. Patent 6,112,304) in view of

<u>Wolff</u> (U.S. Patent 6,067,545).

    As to Claim 1, 14 and 29, <u>Clawson</u> discloses a data

management system comprising:

    a receiver for receiving data access requests for accessing

data in a database system (<u>Clawson</u> Fig. 3);

    configured for storing an identifier for data services in

the database system and, for each data service identified, first

data relating to at least one respective data access function

implemented by that data service and second data relating to

data service resources relevant to implementing at least one

respective data access function (<u>Clawson</u> Fig. 3 and col. 4, line

25- col.5, line 55);

    a comparator for comparing a received data access request

including at least a data access function requirement and a data

service resource requirement with respective first and second

data to identify data services capable of accessing data in

accordance with the request (<u>Clawson</u> Fig. 3 and col. 4, line 25-

col.5, line 55); and,

    a selector for selecting a data service identified by the

comparator for data access (<u>Clawson</u> Fig. 3).

    <u>Clawson</u> does not teach a register.

Wolff teaches a register (i.e. register) (Wolff col. 53,

lines 35-45 and Fig. 2-7, 10 and col. 2, line 30-col. 3, line

11).

Therefore, it would have been obvious to a person having

ordinary skill in the art at the time the invention was made to

have modified Clawson with a register.

It would have been obvious to a person having ordinary

skill in the art at the time the invention was made to have

modified Clawson by the teaching of Wolff because providing a

register allows an improved system and method for distributed

processing over a network as taught by Wolff (col. 2, lines 20-

27).

As to Claims 2 and 15, Clawson as modified teaches a system

wherein the register is further configured for storing third

data for each data service identified, the third data relating

to at least one data access tariff value relevant to at least

one respective data access function (i.e. allocating the first

and the second resources to available ones of the first and the

second server nodes on the basis of the weights assigned in said

assigning act)(Wolff Fig. 2-7 and col. 2, line 30-col. 3, line

11) and (Clawson Fig. 3 and col. 4, line 25- col.5, line 55).

As to Claims 3 and 16, Clawson as modified teaches a system
wherein the comparator is further configured for comparing a
data access tariff requirement in the data access request with
the third data (Wolff Fig. 2-7 and col. 2, line 30-col. 3, line
11).

As to Claims 4 and 17, Clawson as modified teaches a system
wherein the selector is configured to select a preferred data
service according to a pre-determined selection strategy
(Clawson Fig. 3 and col. 4, line 25- col.5, line 55).

As to Claims 5 and 18, Clawson as modified teaches a system
wherein the selector is configured to select the data service
having the lowest data access tariff value (Clawson Fig. 3 and
col. 4, line 25- col.5, line 55).

As to Claims 6 and 19, Clawson as modified teaches a system
further comprising an event data recorder for recording event
data relating to data service access events (recording event
data is well known in the art).

As to Claims 7 and 20, Clawson as modified teaches a system

further comprising a billing means for applying relevant data

access tariff data to the event data for bill production

(billing is well known in the art).

As to Claims 8 and 21, Clawson as modified teaches a system

comprising a connection manager for connecting users issue data

access requests to respective selected data services (Clawson

Fig. 3 and col. 4, line 25- col.5, line 55).

As to Claims 9 and 22, Clawson as modified teaches a system

wherein the connection manger comprises a monitor for monitoring

the usage of the respective data services (i.e. load balance

monitor) (Wolff col. 53, lines 35-45 and Fig. 2-7, 10 and col.

2, line 30-col. 3, line 11).

As to Claims 10 and 23, Clawson as modified teaches a

system wherein the connection manager further comprises access

prevention means for limiting the number of users connected to

each respective data service (Wolff col. 53, lines 35-45 and

Fig. 2-7, 10 and col. 2, line 30-col. 3, line 11).

As to Claims 11 and 24, Clawson as modified teaches a

system comprising an interface to the register for user access

to data in the register (<u>Wolff</u> col. 53, lines 35-45 and Fig. 2-

7, 10 and col. 2, line 30-col. 3, line 11).

As to Claims 12 and 25, <u>Clawson</u> as modified teaches a

system comprising an interface compiler for compiling data in

the register for user access (<u>Wolff</u> col. 53, lines 35-45 and

Fig. 2-7, 10 and col. 2, line 30-col. 3, line 11).

As to Claim 13, <u>Clawson</u> as modified teaches a

distributed database comprising a data management system

(<u>Clawson</u> Fig. 3 and col. 4, line 25- col.5, line 55).

As to Claim 26, <u>Clawson</u> as modified teaches a method

comprises data from the group comprise data service response

time, data accuracy, data correctness and time since last data

update (<u>Clawson</u> Fig. 3 and col. 4, line 25- col.5, line 55).

As to Claim 27, <u>Clawson</u> as modified teaches a method

wherein the method is implemented in an object orientated

software environment (object orientated software environment is

well known in the art).

As to Claim 28, <u>Clawson</u> as modified teaches a method

wherein the step of storing data in the register comprises the

step of publishing respective object orientated message

interfaces using a communication protocol language (publishing

respective object orientated message interfaces is well known in

the art (Clawson Fig. 3 and col. 4, line 25- col.5, line 55).

Prior Art Made of Record

5.   The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure.

   Oulid-Aissa et al (U.S. Patent No. 5,764,977);

   Ronstrom (U.S. Patent No. 6,4664,936).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 703-305-4889. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yicun Wu
Patent Examiner
Technology Center 2100

April 27, 2004

CHARLES RONES
PRIMARY EXAMINER